

FORTIETH DAY
(Tuesday, March 30, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by Senator Parker.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper James Morris offered the invocation as follows:

Our Father, we come before You once again, gathered in trust and with confidence that this is indeed a good work. As the Members prepare for the business of the day, we give thanks that we are a part of it. Now bless each Member and the leadership as they focus on the heavy issues to be decided these next months and grant that thoughtful and reflective reasoning will prevail as this 73rd Session moves forward. In Your name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Brown and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 16.

CO-AUTHORS OF SENATE BILL 297

On motion of Senator Barrientos and by unanimous consent, Senators Lucio and Rosson will be shown as Co-authors of S.B. 297.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 329.

CO-AUTHOR OF SENATE BILL 373

On motion of Senator Zaffirini and by unanimous consent, Senator Ellis will be shown as Co-author of S.B. 373.

CO-AUTHORS OF SENATE BILL 456

On motion of Senator Ellis and by unanimous consent, Senators Barrientos, Luna, Moncrief, Patterson, Rosson, Turner, and Zaffirini will be shown as Co-authors of S.B. 456.

CO-AUTHORS OF SENATE BILL 487

On motion of Senator Zaffirini and by unanimous consent, Senators Lucio, Rosson, and Truan will be shown as Co-authors of S.B. 487.

CO-AUTHOR OF SENATE BILL 654

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 654.

CO-AUTHORS OF SENATE BILL 679

On motion of Senator Luna and by unanimous consent, Senators Rosson and Zaffirini will be shown as Co-authors of S.B. 679.

CO-AUTHORS OF SENATE BILL 1313

On motion of Senator Bivins and by unanimous consent, Senators Lucio and West will be shown as Co-authors of S.B. 1313.

(President in Chair)

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1312	S.B. 1319
S.B. 1314	S.B. 1320
S.B. 1315	S.B. 1321
S.B. 1316	S.B. 1322
S.B. 1317	S.B. 1323
S.B. 1318	

MESSAGE FROM THE HOUSE

House Chamber
March 30, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H.B. 288 by a non-record vote.

S.C.R. 63, Granting each house permission to adjourn for more than three days during the period beginning on Wednesday, April 7, 1993, and ending on Tuesday, April 13, 1993.

S.B. 33, Relating to district offices of the Texas Department of Transportation. (As substituted)

S.B. 90, Relating to the access to information for epidemiologic and toxicologic investigations by the Texas Department of Health. (As amended)

S.B. 92, Relating to the authority of certain counties to impose a county hotel occupancy tax.

S.B. 120, Relating to the name of a certain state building constructed by the Kerrville State Hospital.

S.B. 121, Relating to specifications of vehicles purchased or leased by the state.

S.B. 176, Relating to the adoption of the Durable Power of Attorney Act. (As amended)

S.B. 341, Relating to the use of county roads for festivals and civic events.

S.B. 372, Relating to retaining the current names of the Texas Department of Health and the Texas Board of Health.

S.B. 380, Relating to the distribution of state funds appropriated for elementary, secondary, and higher education. (As amended)

S.B. 384, Relating to the management and control of state finances and generating additional revenue in connection with the unclaimed money fund; making an appropriation. (As amended)

H.B. 45, Relating to public school foreign language programs.

H.B. 49, Relating to payment of judgments not claimed by the prevailing party.

H.B. 71, Relating to the application of certain ad valorem tax overpayments and erroneous payments to certain delinquent ad valorem taxes.

H.B. 81, Relating to the title to certain property exempt from the statewide personal property accounting system or in the possession of certain entities providing emergency medical services.

H.B. 109, Relating to the election of a special district judge by the practicing lawyers of the court.

H.B. 126, Relating to county library privileges from an established library.

H.B. 176, Relating to the issuance of specially designed license plates for vehicles owned by certain veterans of military service and surviving spouses of certain veterans.

H.B. 200, Relating to election of the board of directors of the Reeves County Hospital District.

H.B. 208, Relating to the 73rd District Court.

H.B. 238, Relating to judicial training related to the problems of family violence, sexual assault, and child abuse.

H.B. 298, Relating to the election of and appointments to fill vacancies on the board of directors of certain hospital districts.

H.B. 345, Relating to the authority of an agricultural marketing association to deal in nonmember products and supplies.

H.B. 409, Relating to certain private club registration permits.

H.B. 474, Relating to the regulation of currency exchange and transmission businesses.

H.B. 478, Relating to the speed limit in an alley.

H.B. 479, Relating to use of child passenger restraints in a motor vehicle.

H.B. 616, Relating to the exemption of certain psychologists from career counseling services requirements.

H.B. 629, Relating to riding a bicycle on a shoulder of a street or highway.

H.B. 630, Relating to hand signals for bicycle operators.

H.B. 721, Relating to benefits and eligibility for benefits from fire fighters' retirement systems in certain municipalities.

H.B. 744, Relating to contracts for a justice center located on a state line.

H.B. 753, Relating to the duties of the district attorney for the 31st Judicial District.

H.B. 811, Relating to annexation by general law municipalities.

H.B. 840, Relating to multiple-party accounts and trust accounts at a credit union.

H.B. 945, Relating to the safe operation on highways of certain vehicles; providing a penalty.

H.B. 953, Relating to the jurisdiction of the County Court of Taylor County.

H.B. 961, Relating to the consolidation of county election precincts in a special election.

H.B. 966, Relating to the suspension or removal of employees of the Webb County Juvenile Board.

H.B. 974, Relating to the County Court at Law of Kerr County.

H.B. 1076, Relating to the personal liability of officers and directors of insured depository institutions.

H.B. 1170, Relating to legal holidays and alternative legal holidays for banks or trust companies.

H.B. 1211, Relating to the tax rate of the Comanche County Hospital District.

H.B. 1218, Relating to a clarification of a commercial landlord's remedies for nonpayment of rent.

H.B. 1270, Relating to installment payments of ad valorem taxes imposed on the homestead of an elderly person.

H.B. 1335, Relating to the use of the advance interest trust fund to fund certain programs administered by the Texas Employment Commission.

H.B. 1388, Relating to the definition of an unemployment insurance benefit year.

H.C.R. 23, Authorizing the burial of Ronald G. Jackson in the State Cemetery.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 318 to Committee on Intergovernmental Relations.
H.B. 744 to Committee on Intergovernmental Relations.
H.B. 813 to Committee on Economic Development.
H.B. 898 to Committee on Natural Resources.
H.B. 989 to Committee on Intergovernmental Relations.
H.B. 1031 to Committee on Jurisprudence.
H.B. 1078 to Committee on State Affairs.
H.B. 1116 to Committee on Criminal Justice.
H.B. 1374 to Committee on Finance.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.C.R. 64 by Armbrister Health and Human Services
Directing the Texas Department of Health to create a task force to be known as the Task Force on Pain Management.

S.C.R. 65 by Sibley Administration
Memorializing the Congress of the United States to continue full funding for the continued operation of the Superconducting Super Collider.

S.B. 1312 by Barrientos State Affairs
Relating to chief administrative officers of state agencies.

S.B. 1314 by Carriker Jurisprudence
Relating to the creation of a multicounty statutory county court composed of Fisher and Nolan counties.

S.B. 1315 by Harris of Tarrant Economic Development
Relating to allowable uses of the sales and use tax that may be levied for the benefit of certain industrial development corporations.

S.B. 1316 by Shapiro Criminal Justice
Relating to voir dire examinations.

S.B. 1317 by Barrientos Finance
Relating to the funding of the Texas Public School Retired Employees Group Insurance Program.

S.B. 1318 by Barrientos Finance
Relating to providing for a benefit increase in certain annuities payable by the Teacher Retirement System of Texas.

S.B. 1319 by Armbrister Natural Resources
Relating to the composition of the Fire Ant Advisory Board.

S.B. 1320 by Barrientos, Madla, Natural Resources
Luna, Wentworth, Zaffirini
Relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Water Resource Management Authority and the management of the Edwards Aquifer; granting the power of eminent domain; providing civil and criminal penalties.

S.B. 1321 by Barrientos Education
Relating to the admission and enrollment of certain students in public institutions of higher education.

S.B. 1322 by Bivins Intergovernmental Relations
Relating to the financing of property and improvements by a community center.

S.B. 1323 by Carriker Economic Development
Relating to prepaid funeral services or merchandise.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 29, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE BOARD OF PROTECTIVE AND
REGULATORY SERVICES for terms to expire February 1, 1999:

JUDGE WILLIAM H. "BILL" SHEEHAN
Box 821

Dumas, Texas 79029

Judge Sheehan is being reappointed.

JEAN P. BEAUMONT

2002 Briar Oaks

Bryan, Texas 77802

Ms. Beaumont is being reappointed.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL
BOARD for a term to expire February 1, 1997:

PAT GRAVES

33 Pebble Beach

Abilene, Texas 79606

Ms. Graves will be filling the unexpired term of Ray Patrick Thompson of Pasadena, who resigned.

TO BE MEMBERS OF THE TEXAS STRUCTURAL PEST CONTROL BOARD for terms to expire February 1, 1999:

CHARLES G. COYLE

Route 1, Box 492

Fresno, Texas 77545

Mr. Coyle will be replacing David Melass of Lake Jackson, whose term expired.

KATHLEEN ST. JOHN

5711 Ridgetown Circle

Dallas, Texas 75230

Ms. St. John will be replacing Rayford G. Kay of Houston, whose term expired.

TO BE PRESIDING JUDGE OF THE EIGHTH ADMINISTRATIVE JUDICIAL REGION for a term to expire four years from the date of qualification:

CLYDE R. ASHWORTH

3 Homeplace Court

Arlington, Texas 76016-3913

Judge Ashworth will be replacing Judge R. Jeffery Walker of Arlington, whose term expired.

TO BE MEMBERS OF THE RADIATION ADVISORY BOARD for terms to expire April 16, 1997:

DORIS C. BRYAN

3702 Terrina Road, Unit #14

Austin, Texas 78759

Ms. Bryan will be replacing William G. Hendrick of Austin, whose term expired.

DONALD G. LUDLUM

611 James Street

Sweetwater, Texas 79556

Mr. Ludlum will be replacing Ralph Buell of Lake Jackson, whose term expired.

TO BE MEMBERS OF THE STATE SEED AND PLANT BOARD for terms to expire October 6, 1994:

CHARLES A. LEAMONS

Box 184

Columbus, Texas 78934

Mr. Leamons is being reappointed.

G. F. "BUZ" POAGE

318 Parkwood

Levelland, Texas 79336

Mr. Poage will be replacing Gary T. Ivey of Ralls, whose term expired.

ALFRED L. MARTIN

Route 1, Box 130

Hubbard, Texas 76648

Mr. Martin will be replacing Romeo M. Villarreal of Edinburg, whose term expired.

TO BE PUBLIC COUNSEL OF THE OFFICE OF PUBLIC UTILITY
COUNSEL for a term to expire February 1, 1995:

LUIS A. WILMOT
7800 Shoal Creek Boulevard
Suite 290E
Austin, Texas 78757

Mr. Wilmot is being reappointed.

March 30, 1993

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF
AND HEARING IMPAIRED for a term to expire January 31, 1995:

MILBURN L. COLEMAN III, D.O.
4321 Overhill Drive
Dallas, Texas 75205

Dr. Coleman will be filling the unexpired term of Mary Helen Lancaster of Fort Worth, who resigned.

TO BE MEMBERS OF THE TEXAS COMMISSION FOR THE DEAF
AND HEARING IMPAIRED for terms to expire January 31, 1999:

DELORES ERLANDSON
803 West Street
Big Spring, Texas 79720

Ms. Erlandson is being reappointed but will be serving in a different category. She is replacing Clyde S. Black of Temple, whose term expired.

LINDA PHILLIPS THUNE
7407 Potters Trail
Austin, Texas 78729

Ms. Thune will be replacing Thalia Munoz of Rio Grande City, whose term expired.

TO BE MEMBERS OF THE TEXAS BOARD OF HUMAN SERVICES for
terms to expire January 20, 1999:

CASSANDRA COLVIN CARR
4230 Hidden Canyon Cove
Austin, Texas 78746

Ms. Carr is being reappointed.

KAREN HELTZEL
702 Villa Creek
Duncanville, Texas 75137

Ms. Heltzel is being reappointed.

TO BE A MEMBER OF THE STATE HUMAN RIGHTS COMMISSION
for a term to expire September 24, 1997:

L. MAXINE LEE
7630 Parkview Circle
Austin, Texas 78731

Ms. Lee is being reappointed.

TO BE A MEMBER OF THE GOVERNING BOARD OF THE TEXAS
SCHOOL FOR THE DEAF for a term to expire January 31, 1997:

JOHNELLE M. CORTNER
7723 DeMoss
Houston, Texas 77036

Ms. Cortner will be filling the unexpired term of Ralph White of Austin, who resigned.

TO BE MEMBERS OF THE GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE DEAF for terms to expire January 31, 1999:

LARRY M. CORREU

16302 Clouded Crest

San Antonio, Texas 78247

Mr. Correu will be replacing Trena Baxley of Livingston, whose term expired.

ROBERT EDWARD PARRISH

3003 Rambling Drive

Dallas, Texas 75228

Mr. Parrish will be replacing Gary Utley of Baytown, whose term expired.

ANGEL M. RAMOS

8210 Columbia Drive

Rowlett, Texas 75088

Mr. Ramos will be replacing Robert Neely of Dallas, whose term expired.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

To be Members of the TEXAS PARKS AND WILDLIFE COMMISSION: Mickey Ruth Fulwiler Burleson, Bell County; John Raymond "Ray" Clymer, Jr., Wichita County; Governor William P. Hobby, Harris County.

To be Executive Director of the TEXAS DEPARTMENT OF COMMERCE: Cathy L. Bonner, Travis County.

To be Members of the TEXAS DEPARTMENT OF COMMERCE POLICY BOARD: Kenneth Q. Carlile, Harrison County; Vernon E. Faulconer, Smith County; Murphy George, Angelina County; Vanessa Diane Gilmore, Harris County; Gerald Grinstein, Tarrant County.

To be Members of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: Peggy Green Childress, Ellis County; Charles R. Delgado, Galveston County; Linda Wertheimer Hart, Dallas County; Commissioner El Franco Lee, Harris County; Thomas Delano "Del" Williams, Dallas County.

To be Branch Pilot for the PORTS OF THE BRAZOS RIVER HARBOR NAVIGATION DISTRICT: Captain Max W. Blanton, Brazoria County.

To be Branch Pilot for GALVESTON BAR AND THE HOUSTON SHIP CHANNEL: Captain Earl C. Goodwin, Galveston County.

To be Branch Pilots for the PORTS OF GALVESTON COUNTY: Captain James R. Borup, Galveston County; Captain Michael T. Godinich, Galveston County; Captain George W. Wyllie, Galveston County.

To be a Member of the BOARD OF PILOT COMMISSIONERS FOR THE PORTS OF GALVESTON COUNTY: Charles Clifford "Cliff" Burks, Galveston County.

To be Branch Pilot for the MATAGORDA SHIP CHANNEL: Captain Steven C. Gibson, Calhoun County.

To be Branch Pilot for the SABINE BAR, PASS AND TRIBUTARIES: Captain Konstantinos I. Selinidis, Jefferson County.

To be Members of the TEXAS DEPARTMENT OF COMMERCE POLICY BOARD: Tom C. Frost, Bexar County; Patricia B. Meadows, Dallas County.

To be Branch Pilot for the PORTS OF THE BRAZOS RIVER HARBOR NAVIGATION DISTRICT: Captain John G. Gunning, Brazoria County.

To be Branch Pilots for GALVESTON BAR AND THE HOUSTON SHIP CHANNEL: Captain Robert E. Adams, Harris County; Captain Hans Emil Andersen, Harris County; Captain Allan R. Barry, Harris County; Captain Robert D. Bennett, Harris County; Captain Robert M. Bratcher, Harris County; Captain Scott J. Browning, Galveston County; Captain Edwin L. Bruce, Harris County; Captain Eldridge L. Burnthorne, Harris County; Captain James J. Donnelly, Jr., Harris County; Captain Paul F. Dunaway, Harris County; Captain Roy R. Faulkner, Harris County; Captain Raymond J. Fincher, Harris County; Captain Richard H. Fisher, Galveston County; Captain Michael P. Gale, Harris County; Captain Charles Edward Larsen, Harris County; Captain Michael K. Lawson, Harris County; Captain Lindberg A. LeBert, Harris County; Captain Thomas N. Lightsey, Jr., Harris County; Captain Tommy E. Longino, Harris County; Captain Edward B. Mercer, Jr., Harris County; Captain Lance A. Miller, Harris County; Captain John B. Niday III, Galveston County; Captain Walter C. Nixon, Harris County; Captain Thomas E. Phelps, Harris County; Captain Michael R. Pizzitola, Harris County; Captain Philip Pizzitola, Harris County; Captain Jack W. Rowland, Galveston County; Captain Walter F. Russell, Jr., Harris County; Captain Charles A. Schuessler, Harris County; Captain Richard J. Teeter, Harris County; Captain Louis C. Vest, Harris County; Captain Larry E. Walters, Harris County; Captain Joseph W. Warfield, Harris County.

To be Branch Pilots for the PORTS OF GALVESTON COUNTY: Captain Nathan R. Branch, Galveston County; Captain Russell Bryant, Jr., Galveston County; Captain James W. Coonrod, Galveston County; Captain George D. Doherty, Galveston County; Captain Charles R. Gilchrist, Galveston County; Captain Charles R. Gilchrist II, Galveston

County; Captain John M. Lane, Galveston County; Captain Michael E. Lyons, Galveston County; Captain Jack H. Smith, Galveston County.

To be Members of the BOARD OF PILOT COMMISSIONERS FOR THE PORTS OF GALVESTON COUNTY: Frank T. Crews, Jr., Galveston County; Robert Higgins, Galveston County; Dr. Darvin M. Winick, Galveston County.

To be Branch Pilot for the MATAGORDA SHIP CHANNEL: Captain Larry W. Robinson, Calhoun County.

To be Branch Pilots for the SABINE BAR, PASS AND TRIBUTARIES: Captain William J. Baran, Jefferson County; Captain Daniel J. Bromley, Jefferson County; Captain Michael J. Casey, Jefferson County; Captain Michael J. Gerdes, Jefferson County; Captain Mitchel L. Horne, Jefferson County; Captain Leroy Rudolph Kurtz, Jefferson County; Captain Jerry J. McNeil, Orange County; Captain James Oliver Meeks, Jefferson County; Captain Dennis E. Neef, Jefferson County; Captain Wayne Hamilton Parker, Jefferson County; Captain Bobby O. Ratcliff, Jefferson County; Captain Millard A. Scott, Jefferson County; Captain Donald L. Sinclair, Jefferson County; Captain Phillip C. Smith, Jefferson County.

To be Branch Pilots for PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Robert L. Adams, San Patricio County; Captain Bobby G. Grumbles, Nueces County; Captain Sammy Murphy, San Patricio County; Captain Billy Joe Robbins, Nueces County.

To be Members of the TEXAS COUNCIL ON VOCATIONAL EDUCATION (Appointed by the State Board of Education): Mike Bickley, Angelina County; Sylvia Talavera Blain, Ector County; Paul H. Ellis, Travis County; Dr. Edna I. Garza-Escobedo, Cameron County; Martha E. Hinojosa-Nadler, Travis County; Steve L. McSpadden, Hardeman County; Cynthia Fobbs Morton, Dallas County; Dr. Raul Ramirez, El Paso County; Dr. Theodore A. Talbot, McLennan County.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

Senator Barrientos moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Brown requested the nomination of GOVERNOR WILLIAM P. HOBBY, Harris County, to be a Member of the Texas Parks and Wildlife Commission, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported today by the

Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Texas Parks and Wildlife Commission: MICKEY RUTH FULWILER BURLESON, Bell County; JOHN RAYMOND "RAY" CLYMER, JR., Wichita County.

Executive Director of the Texas Department of Commerce: CATHY L. BONNER, Travis County.

Members, Texas Department of Commerce Policy Board: KENNETH Q. CARLILE, Harrison County; VERNON E. FAULCONER, Smith County; MURPHY GEORGE, Angelina County; VANESSA DIANE GILMORE, Harris County; GERALD GRINSTEIN, Tarrant County.

Members, Texas National Research Laboratory Commission: PEGGY GREEN CHILDRESS, Ellis County; CHARLES R. DELGADO, Galveston County; LINDA WERTHEIMER HART, Dallas County; COMMISSIONER EL FRANCO LEE, Harris County; THOMAS DELANO "DEL" WILLIAMS, Dallas County.

Branch Pilot for the Ports of the Brazos River Harbor Navigation District: CAPTAIN MAX W. BLANTON, Brazoria County.

Branch Pilot for Galveston Bar and the Houston Ship Channel: CAPTAIN EARL C. GOODWIN, Galveston County.

Branch Pilots for the Ports of Galveston County: CAPTAIN JAMES R. BORUP, Galveston County; CAPTAIN MICHAEL T. GODINICH, Galveston County; CAPTAIN GEORGE W. WYLLIE, Galveston County.

Member, Board of Pilot Commissioners for the Ports of Galveston County: CHARLES CLIFFORD "CLIFF" BURKS, Galveston County.

Branch Pilot for the Matagorda Ship Channel: CAPTAIN STEVEN C. GIBSON, Calhoun County.

Branch Pilot for the Sabine Bar, Pass and Tributaries: CAPTAIN KONSTANTINOS I. SELINIDIS, Jefferson County.

Members, Texas Department of Commerce Policy Board: TOM C. FROST, Bexar County; PATRICIA B. MEADOWS, Dallas County.

Branch Pilot for the Ports of the Brazos River Harbor Navigation District: CAPTAIN JOHN G. GUNNING, Brazoria County.

Branch Pilots for Galveston Bar and the Houston Ship Channel: CAPTAIN ROBERT E. ADAMS, Harris County; CAPTAIN HANS EMIL ANDERSEN, Harris County; CAPTAIN ALLAN R. BARRY, Harris County; CAPTAIN ROBERT D. BENNETT, Harris County; CAPTAIN ROBERT M. BRATCHER, Harris County; CAPTAIN SCOTT J. BROWNING, Galveston County; CAPTAIN EDWIN L. BRUCE, Harris County; CAPTAIN ELDRIDGE L. BURNTHORNE, Harris County; CAPTAIN JAMES J. DONNELLY, JR., Harris County; CAPTAIN PAUL F. DUNAWAY, Harris County; CAPTAIN ROY R. FAULKNER, Harris County; CAPTAIN RAYMOND J. FINCHER, Harris County; CAPTAIN

RICHARD H. FISHER, Galveston County; CAPTAIN MICHAEL P. GALE, Harris County; CAPTAIN CHARLES EDWARD LARSEN, Harris County; CAPTAIN MICHAEL K. LAWSON, Harris County; CAPTAIN LINDBERG A. LeBERT, Harris County; CAPTAIN THOMAS N. LIGHTSEY, JR., Harris County; CAPTAIN TOMMY E. LONGINO, Harris County; CAPTAIN EDWARD B. MERCER, JR., Harris County; CAPTAIN LANCE A. MILLER, Harris County; CAPTAIN JOHN B. NIDAY III, Galveston County; CAPTAIN WALTER C. NIXON, Harris County; CAPTAIN THOMAS E. PHELPS, Harris County; CAPTAIN MICHAEL R. PIZZITOLA, Harris County; CAPTAIN PHILIP PIZZITOLA, Harris County; CAPTAIN JACK W. ROWLAND, Galveston County; CAPTAIN WALTER F. RUSSELL, JR., Harris County; CAPTAIN CHARLES A. SCHUESSLER, Harris County; CAPTAIN RICHARD J. TEETER, Harris County; CAPTAIN LOUIS C. VEST, Harris County; CAPTAIN LARRY E. WALTERS, Harris County; CAPTAIN JOSEPH W. WARFIELD, Harris County.

Branch Pilots for the Ports of Galveston County: CAPTAIN NATHAN R. BRANCH, Galveston County; CAPTAIN RUSSELL BRYANT, JR., Galveston County; CAPTAIN JAMES W. COONROD, Galveston County; CAPTAIN GEORGE D. DOHERTY, Galveston County; CAPTAIN CHARLES R. GILCHRIST, Galveston County; CAPTAIN CHARLES R. GILCHRIST II, Galveston County; CAPTAIN JOHN M. LANE, Galveston County; CAPTAIN MICHAEL E. LYONS, Galveston County; CAPTAIN JACK H. SMITH, Galveston County.

Members, Board of Pilot Commissioners for the Ports of Galveston County: FRANK T. CREWS, JR., Galveston County; ROBERT HIGGINS, Galveston County; DR. DARVIN M. WINICK, Galveston County.

Branch Pilot for the Matagorda Ship Channel: CAPTAIN LARRY W. ROBINSON, Calhoun County.

Branch Pilots for the Sabine Bar, Pass and Tributaries: CAPTAIN WILLIAM J. BARAN, Jefferson County; CAPTAIN DANIEL J. BROMLEY, Jefferson County; CAPTAIN MICHAEL J. CASEY, Jefferson County; CAPTAIN MICHAEL J. GERDES, Jefferson County; CAPTAIN MITCHEL L. HORNE, Jefferson County; CAPTAIN LEROY RUDOLPH KURTZ, Jefferson County; CAPTAIN JERRY J. McNEIL, Orange County; CAPTAIN JAMES OLIVER MEEKS, Jefferson County; CAPTAIN DENNIS E. NEEF, Jefferson County; CAPTAIN WAYNE HAMILTON PARKER, Jefferson County; CAPTAIN BOBBY O. RATCLIFF, Jefferson County; CAPTAIN MILLARD A. SCOTT, Jefferson County; CAPTAIN DONALD L. SINCLAIR, Jefferson County; CAPTAIN PHILLIP C. SMITH, Jefferson County.

Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPTAIN ROBERT L. ADAMS, San Patricio County; CAPTAIN BOBBY G. GRUMBLES, Nueces County; CAPTAIN SAMMY MURPHY, San Patricio County; CAPTAIN BILLY JOE ROBBINS, Nueces County.

Members, Texas Council on Vocational Education (Appointed by the State Board of Education): MIKE BICKLEY, Angelina County; SYLVIA TALAVERA BLAIN, Ector County; PAUL H. ELLIS, Travis County; DR. EDNA I. GARZA-ESCOBEDO, Cameron County; MARTHA E. HINOJOSA-NADLER, Travis County; STEVE L. McSPADDEN, Hardeman County; CYNTHIA FOBBS MORTON, Dallas County; DR. RAUL RAMIREZ, El Paso County; DR. THEODORE A. TALBOT, McLennan County.

NOMINEE CONFIRMED

Senator Barrientos then moved confirmation of GOVERNOR WILLIAM P. HOBBY, Harris County, to be a Member of the Texas Parks and Wildlife Commission.

The nominee was confirmed by the following vote: Yeas 31, Nays 0.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to Governor William P. Hobby, member of the Texas Parks and Wildlife Commission.

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

S.C.R. 44

S.C.R. 54

H.B. 288

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. David Carter of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Carter and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 514

Senator Shapiro offered the following resolution:

WHEREAS, Since the founding of the first permanent settlement in Hunt County more than 140 years ago, the citizens of the area have exemplified the courageous and hardy spirit of Texas; and

WHEREAS, McQuennie Howell Wright left Gibson, Tennessee, in 1839 in a train of covered wagons bound for Texas to eventually settle in the area now known as Hunt County; and

WHEREAS, The act of creating Hunt County named five men as town commissioners whose duty it was to organize the County of Hunt by the First Legislature at its first meeting in Austin on April 11, 1846; and

WHEREAS, This richly historical district began its long tradition of excellence during the 1840s when Hunt began to see industrious growth

and the establishment of Greenville as the county seat, and proprietors such as Ben Anderson, Lewis Moody, and Hamilton and Ben Oldham, who began the first store in the community, offered their talents to the county; and

WHEREAS, Under the direction of Judge O. M. Roberts, the first courthouse was established under the old twin-oak, and justice was administered under a canopy until a more permanent structure could be built in 1859; and

WHEREAS, Continuing the county's monumental growth and industrious spirit, J. M. Porter founded The Gladiator, Hunt County's first newspaper; others followed, with J. C. Bayne's Greenville Morning Herald and The Banner ultimately merging to become The Greenville Herald-Banner; and

WHEREAS, In 1852 the first church, Wesley Methodist Church, was established and served by circuit riders; although the church was Methodist, the building also served other denominations as well as being the town hall, school, and courthouse; and

WHEREAS, The late 1800s brought many civic organizations to Hunt County, including the Odd Fellows, the Masons, the Knights of Pythias Lodge, the Knights of Honor, Woodmen of the World, the United Benevolent Society, the Good Templar Society, and the Federation of Woman's Clubs; and

WHEREAS, The commerce of the region required the founding of several banks and institutions, including the Hunt County Bank, Hunt County's first bank, the Commercial National Bank, the Hunt County State Bank, the Citizens Bank, and, in 1910, the Greenville Area Chamber of Commerce; and

WHEREAS, Sports have always been popular in Hunt County dating back to 1906 with baseball greats Walter "Hickory" Dickson and Monty Statton of Wagner, along with Wright Ragdale, Bob Neyland, track and field great Edgar Albowich who reached the pinnacle of fame as a member of the 1932 Olympic 1,600 meter relay team, setting a world record of 3:08.2, All-American football great George Maddox, and most recently the Celeste High School girls basketball team which won the Texas State Championship, two years standing; and

WHEREAS, Today, Hunt County boasts a population of almost 100,000 citizens and derives its principal means of income from industries including E-System, Mary of Puddin' Hill, Rubbermaid, as well as continuing its proud tradition of farming such staples as cotton, peanuts, maize, and cattle; and

WHEREAS, Rich in both history and democratic tradition, Hunt County is a prosperous, forward-looking community fully participating in the state's dynamic growth, and it gives the members of this legislative body great pleasure to join our fellow citizens in saluting Hunt County; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby declare March 30, 1993, as Hunt County Day at the Capitol and extend best wishes to the people of Hunt County on this noteworthy occasion.

The resolution was read and was adopted by a viva voce vote.

SENATE BILL 297 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 297, Relating to funding for school counseling programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 297 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 297** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 128 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 128, Relating to the Texas Incentive and Productivity Commission.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 128** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the Texas Incentive and Productivity Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (e), Section 2.002, Texas Incentive and Productivity Act (Article 6252-29a, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) An employee whose suggestion results in a net annual savings or increase in revenues, including savings or increased revenues that result from increased productivity, of \$100 or more is eligible for a bonus of 10 percent of the net saving or revenue increase, up to a maximum award of \$5,000. If the suggestion is submitted by more than one employee, the bonus shall be divided among the employees. An employee whose suggestion results in a net annual savings or increase in revenues of less than \$100 is not eligible for a bonus but is eligible for a certificate of appreciation.

SECTION 2. Subsection (3), Section 3.001, Texas Incentive and Productivity Act (Article 6252-29a, Vernon's Texas Civil Statutes), is amended by adding Paragraph (C) to read as follows:

(3) "Division" means a unit of a state agency that:

(A) has an identifiable self-contained budget; ~~or~~

(B) maintains its financial records under an accounting system that permits the accurate identification of the expenditures and receipts of the unit; or

(C) consists of a group of employees identified by the agency and approved by the commission.

SECTION 3. Subsection (b), Section 3.002, Texas Incentive and Productivity Act (Article 6252-29a, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission shall act on an agency's plan as early as practicable after receiving it. The commission may return any plan to the executive director who submits it to request additional information or clarification of details relating to the plan. The commission must approve an agency plan before a state agency may apply for a productivity bonus for the agency or a division of the agency. The commission shall inform the executive director in writing that the plan is approved or rejected not later than the 30th day of the open meeting at which the plan is considered ~~[after the date the plan is received]~~.

SECTION 4. Subsection (c), Section 3.004, Texas Incentive and Productivity Act (Article 6252-29a, Vernon's Texas Civil Statutes) is amended to read as follows:

(c) The commission shall consider as a legitimate savings a reduction in expenditures made possible by:

- (1) reductions in overtime for eligible employees;
- (2) reductions in ~~[elimination of]~~ consultant fees;
- (3) reductions in ~~[elimination of]~~ budgeted positions;
- (4) reductions in ~~[elimination of unnecessary]~~ travel;
- (5) reductions in ~~[elimination of unnecessary]~~ printing and mailing;
- (6) reductions in ~~[elimination of]~~ payments for ~~[unnecessary]~~ advertising, membership dues, subscriptions, and other nonessential outlays of state agency or division funds;
- (7) increased efficiency in use of energy;
- (8) improved office procedures and systems; and
- (9) any other practice or device that the commission determines has resulted in verifiable savings.

SECTION 5. Subsection (b), Section 3.007, Texas Incentive and Productivity Act (Article 6252-29a, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) From the funds in the state agency's or division's productivity bonus account, the commission shall award to the eligible employees of the agency or division an amount not to exceed 25 percent of the amount in that account. The awarded amount shall be divided and distributed in equal shares to the eligible current employees of the agency or division, except that those employees who worked part-time or less than twelve months of

~~the year shall receive only a pro rata share based on the fraction of the year worked. The commission may grant an agency or division's request not to pay bonuses if a negligible reduction in cost has occurred [distributed in equal share to the eligible current employees of the agency or division]. A bonus made to any individual employee may not exceed \$1,000. [An eligible employee who worked in the agency or division for less than the full fiscal year or on a part time basis is entitled to a pro rata share based on the fraction of the fiscal year and the average fraction of the work week that the employee worked in the agency or division.]~~ An eligible employee under this section is an employee who:

- (1) is an hourly, part-time, or temporary employee;
- (2) is a classified employee under the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes); or
- (3) performs functions that are equivalent to functions performed by a classified employee in other state agencies.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 128 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 128 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate La Salle County Judge Leodoro Martinez, Jr., of Cotulla.

The Senate welcomed Judge Martinez.

(Senator Harris of Dallas in Chair)

(President in Chair)

(Senator Harris of Tarrant in Chair)

SENATE BILL 368 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 368, Relating to the regulation of the practice of dentistry.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

Amend **S.B. 368** by deleting Section 1.; renumber remaining sections accordingly.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 368 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 404 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 404, Relating to the right of certain municipal and county employees to purchase a continuation of health benefits coverage at retirement.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 404 ON THIRD READING

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 404** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Shapiro asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE CONCURRENT RESOLUTION 28 RECOMMITTED

On motion of Senator Carriker and by unanimous consent, S.C.R. 28 was recommitted to the Committee of the Whole Senate on Redistricting, Ethics and Elections.

SENATE BILL 286 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 286, Relating to the creation of the HIV/AIDS Interagency Coordinating Council.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Amend **S.B. 286** as follows:

On page 2, after line 9 add a new subsection to Section 85.017(b) to read as follows:

(17) the Health and Human Services Commission.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 286 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 286** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 487 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 487, Relating to the establishment of the Texas Academy of Foreign Languages and Culture.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Amend **C.S.S.B. 487** as follows:

(1) In SECTION 1, Section 61.784, after the words "task force" and before the period add the words "or to designate a representative to serve on the task force" (Committee Printing, page 2, line 47).

(2) Delete SECTION 2 in its entirety (Committee Printing, page 2, lines 52-54) and substitute the following:

SECTION 2. The only funds that may be spent to administer this Act are those grants and donations that are solicited and received for this purpose.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 487 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 487 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Turner in Chair)

SENATE BILL 529 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 529, Relating to the investment of public funds in collateralized mortgage obligations.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 529 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 529 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 654 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 654, Relating to college board advanced placement tests and courses and to establishing the Texas Advanced Placement Incentive Program.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 654 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 654 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

SENATE BILL 736 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 736, Relating to the buying and selling of crude oil and natural gas commodity futures or options.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 736 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 736 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Moncrief, Montford.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 2. (Same as previous roll call)

(Senator Harris of Dallas in Chair)

SENATE BILL 780 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 780, Relating to the funding for the Center for Educational Technology.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 780 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 780** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 834 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 834, Relating to treatment of chemically dependent persons.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 834 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 834** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 857 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 857, Relating to court fees and costs in certain family law actions and making an appropriation to the attorney general.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 857 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 857** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 16 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 16, Relating to drug-free zones and to the imposition of penalties for delivering, manufacturing, or possessing with the intent to deliver or manufacture a controlled substance in drug-free zones.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 16** by inserting a new section, appropriately numbered, to read as follows:

SECTION ____, Subchapter F, Chapter 13, Education Code, is amended by adding Section 13.355 to read as follows:

Sec. 13.355. DUTY TO REPORT CRIMINAL OFFENSE.

(a) A superintendent or principal commits an offense if the superintendent or principal:

(1) knows that conduct constituting a criminal offense occurred against the person or property of an employee of the school district on the property of the school district or at an event sponsored by the school district; and

(2) fails to file in a timely manner an affidavit under Article 21.22, Code of Criminal Procedure, alleging the commission of an offense described by Subdivision (1) of this subsection.

(b) An offense under this section is a Class C misdemeanor.

(c) If the commissioner of education finds that a person has been convicted more than once of an offense under this section, the person is ineligible for employment as a superintendent or principal before the first anniversary of the date of the finding.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 16** as follows:

1) Amend Sec. 481.134 by adding a new Subsection 7 to read: "child-care facility" has the meaning used in Sec. 42.002 (3), Human Resources Code.

2) Amend page 2, line 19 by changing "300" to "1000", and inserting "child-care facility," before "playground".

The amendment was read.

On motion of Senator Turner and by unanimous consent, the amendment was withdrawn.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 3

Amend **S.B. 16**, page 2, line 19 by changing "300" to "1000".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 16 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President introduced to the Senate Nick Krajl of Austin.

The Senate welcomed Mr. Krajl.

COMMITTEE SUBSTITUTE

SENATE BILL 670 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 670, Relating to public hearings about, and the authority of a commissioners court to delegate authority to make, traffic safety decisions in certain counties.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 670 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Ellis in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 609 ON SECOND READING

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 609, Relating to the authority of cities, towns and other political subdivisions of the state to regulate pesticides and pesticide use.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up C.S.S.B. 609 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, West, Whitmire.

Nays: Barrientos, Ellis, Luna, Truan, Zaffirini.

Absent: Wentworth.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Ellis, Luna, Truan, West, Zaffirini.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 609 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 609 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Ellis, Truan, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Ellis, Luna, Truan, Zaffirini.

SENATE RESOLUTION ON FIRST READING

By unanimous consent, the following resolution was introduced, read first time, and referred to the committee indicated:

S.R. 521 by Ellis, Carriker

Committee of the Whole Senate on
Redistricting, Ethics and Elections

Resolving that the at-large election system for the state district courts in

the nine affected counties will be replaced by a phased-in plan in which each affected county will be divided into electoral subdistricts.

MESSAGE FROM THE HOUSE

House Chamber
March 30, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 394, Relating to the promotion of economic development in the state by improving the competitiveness of Texas public ports with ports outside of Texas, by extending the authority of navigation districts to sell or lease certain property of such districts.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Health and Human Services might consider the following bills today:

S.B. 1117
S.B. 1118

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 744** tomorrow.

MEMORIAL RESOLUTIONS

- H.C.R. 5** - (Parker): In memory of Manuel Galvan, Sr.
H.C.R. 12 - (Parker): In memory of Raymond Bernard "Coach" Davis.
S.R. 511 - By Moncrief: In memory of Gilbert Garcia of Fort Worth.
S.R. 515 - By Montford: In memory of Gary D. Tidwell of Lubbock.
S.R. 516 - By Montford: In memory of J. E. Blakey, Jr., of Lubbock.
S.R. 517 - By Montford: In memory of Harold R. Hamm of South Plains.
S.R. 519 - By Madla: In memory of the Reverend John Joseph Rector, Sr., of San Antonio.

CONGRATULATORY RESOLUTIONS

- H.C.R. 7** - (Parker): Honoring Judge Ed J. Harris for his career in the fields of law and public service.

H.C.R. 38 - (Parker): Commending Esther Rice on the many contributions she has made to the citizens of Galveston County.

H.C.R. 54 - (Parker): Congratulating Police Chief Freddie L. Poor on the occasion of his retirement.

H.C.R. 63 - (Leedom): Congratulating Charles Matthews on receiving the 1992 Tall Texan Award from the Garland Chamber of Commerce.

H.C.R. 64 - (Leedom): Commending Billie Johnson for earning the Athena Award from the Garland Chamber of Commerce.

S.R. 457 - By Shapiro: Declaring March 29, 1993, as Kaufman County Day at the Capitol.

S.R. 507 - By Truan: Congratulating Dr. Adolfo Aguilo of Corpus Christi for being named the recipient of the Dr. Lee Starr Award for Technical Excellence by Hoechst Celanese Corporation.

S.R. 508 - By Truan: Congratulating Olaya Lizette Solis of Corpus Christi for winning the 40th annual Nueces County Spelling Bee.

S.R. 509 - By Truan: Recognizing John A. Cox on the occasion of his retirement after 18 years as a Justice of the Peace in Nueces County.

S.R. 510 - By Truan: Commending Dr. Maria Luisa Garza, founder of the Gulf Coast Council of La Raza in Corpus Christi, for her service to improve the lives of disadvantaged youths.

S.R. 513 - By Barrientos: Recognizing David Stinson Bates of Kirkland, Washington, and declaring him an Honorary Texan.

S.R. 518 - By Ratliff: Recognizing Louise Floyd Meyers, Leona Floyd Popp, and the late William Floyd, children of the late State Senator Charles R. Floyd, for their donation to The University of Texas at Austin.

S.R. 520 - By Carriker: Recognizing Marilyn Lancaster for her contributions as President of the Texas Junior College Teachers Association.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:58 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 30, 1993

COMMITTEE OF THE WHOLE SENATE ON REDISTRICTING,
ETHICS AND ELECTIONS — S.B. 1196, C.S.S.B. 308

FINANCE — C.S.S.B. 681, C.S.S.B. 795

JURISPRUDENCE — H.B. 424, S.B. 518, S.B. 328, S.B. 721, S.B. 791, S.B. 777, C.S.S.B. 680, C.S.S.B. 722, S.B. 790, C.S.S.B. 779, C.S.S.B. 386

HEALTH AND HUMAN SERVICES — S.B. 990, S.B. 1117, S.B. 1118

ECONOMIC DEVELOPMENT — C.S.S.B. 1075, S.B. 605, S.B. 1071, C.S.S.B. 421, S.B. 1222, S.B. 420, S.B. 1223, S.B. 1224, S.B. 513

FORTY-FIRST DAY

(Wednesday, March 31, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend David C. Penticuff, Vicar, St. Peter's Episcopal Church, Lago Vista, offered the invocation as follows:

O God of infinite grace and mercy, as we invoke Your presence upon the Texas Senate, we know You are always with us; it is we who need to open ourselves to You. Even as we ask You to lead us into all truth and justice, we know full well that You always lead us in these matters, and it is we who need to open our minds to truth, our hearts to justice. So it is, Lord, we pray today that all here present will be open unto You, that, inspired by love and truth and equity, they may add to the brotherhood of Your creation as they wrestle with the needs of the people of Texas. Amen.

On motion of Senator Brown and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 254

On motion of Senator Turner and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 254.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read: